



COMMISSION OF INQUIRY INTO THE CIRCUMSTANCES SURROUNDING THE DEATH OF PHOENIX SINCLAIR

COMMISSIONER: E.N. (TED) HUGHES, O.C., Q.C., LL.D (HON)

Witness: Leslie Spillett

The following is a summary of this witness' expected testimony at the Public Inquiry hearings. This summary is being provided to you in accordance with paragraph 23 of the Commission's Amended Rules of Procedure and Practice. A copy of paragraphs 23, 27 and 28 of the Amended Rules are attached for ease of reference.

Witness Summary

Background

- Member of the Cree Nation, Bear Clan Mother, Sundancer, Pipe Carrier.
- Founder and Executive Director, Ka Ni Kanichihk Inc., 2002 – present.
- Founder and Provincial President, Mother of Red Nations Women's Council of Manitoba (MORN), 2001-2006.
- Clinical Director, New Directions for Children, Youth, Adults and Families, Inc., 1997-2002.
- Aboriginal Awareness Coordinator, Health Sciences Centre, 1996-1997.
- Program Coordinator, Anishnaabe Oway-Ishi Inc., 1990-1996.
- General Manager, Western Canadian Region District Council, International Ladies' Garment Workers Union, 1981-1989.
- Numerous community and volunteer affiliations including:
 - National Aboriginal Health Organization
 - Native Women's Association of Canada: Board of Directors
 - Taking Charge! Inc. Chairperson, Board of Directors.
 - Mother of Red Nations Women's Council of Manitoba, Founder and Provincial Speaker
 - Assiniboine Credit Union, Board of Directors
 - Aboriginal Centre of Winnipeg, Founding Board of Directors
 - Prairie Women's Health Centre of Excellence, Board of Directors

- Native Employment Services, Board of Director
- Community Education Development Association, Board of Directors.
- Center of Excellence for Children's Health, Management committee, Board of Directors
- National Advisory Committee: UN World Conference Against Racism
- Circle of Courage: Council member

Education

- Diploma in Journalism and Administration, 1973, Southern Alberta Institute of Technology.
- Faculty of Arts, University of Winnipeg (Political Science).

Will testify to:

Overview of Ka Ni Kanichihk, Inc.

- Established in 2002 with a mandate to provide Aboriginal identified programs and services that focus on wholeness and wellness and the build on the strengths and resilience of Aboriginal peoples.
- Name means "Those who lead" in Cree language.
- Values of the organization are:
 - Walk the talk
 - Share strength, health and wellness of Indigenous peoples
 - Providing welcoming and safe environments
 - Walk in balance with strength, values and Indigenous knowledge
 - Value belonging, master and generosity
 - Believe in independence and interdependence
- Programs and services delivered include programs for Aboriginal women, youth, girls, youth in care and more.
- Aboriginal people are disempowered by many of the systems – whether education or child welfare, justice or social services. These systems perpetuate the feelings of powerlessness by placing Aboriginal people in the role of client, or recipient of benefits and non-Aboriginal people in the role of caregiver or giver of benefits.
- The western approach to addressing problems in relationship between Aboriginal and non-Aboriginal peoples is to pathologize the natural outcomes of oppression and the history of colonization. The individual is diagnosed, medicated, trained and counseled, but the systems are not deconstructed or examined.
- Indigenous people have a right to provide and receive services within their own cultural context. This is evident in looking at the UN Declaration on the Rights of Indigenous Persons, the RCAP and the AJI.

- Ka Ni Kanichihk started with a vision of Aboriginal people and non-Aboriginal people coming in and seeing Aboriginal people functioning at a very high level, treating one another as relatives and holding a light to the historical conditions and relationships that have created the conditions in which Aboriginal people reside today.
- They work with families whose children are in care, but receive no funding from the child welfare system to do so. They work with the systems to try to get children back to their families, and work with people to try to keep them from getting caught in the systems.
- You need a different system to produce a different outcome. There is very little accountability in terms of outcomes. Many benefit from keeping children in the systems of care – agencies, lawyers, child welfare.
- Ka Ni Kanichihk provides services delivered mostly by Aboriginal people that highlight the beauty and strength of Indigenous people, cultures and ceremonies using a truly holistic approach.
- Does not receive any funding through Healthy Child Manitoba. Only limited HCM funding goes to Aboriginal organizations. There is a need for funding support to all Aboriginal organizations.
- We need to keep children out of the child welfare system and other systems. To do that we need to spend money on prevention. Prevention funding needs to be targeted to Aboriginal-led organizations. Prevention programs empower people to deal with their inherited and ongoing trauma and to find a place of belonging.
- We need to take a parallel development approach, like in New Zealand, where resources are allocated proportionately. If the 80% of children in a system are Aboriginal, then 80% of the dollars in that system should be allocated to Aboriginal service delivery.

Jumping Through Hoops Research Project

- The catalyst for the project was a woman who lost her children to CFS and was trying to defend against an application for permanent orders of care for those children. Looking at her circumstances led to seeing a pattern of interaction between child welfare and Aboriginal women resulting in poor outcomes.
- Funding for the project came from Status of Women (Canada).
- Marlyn Bennett led this research project that started in 2005, looking at the experiences of Aboriginal mothers involved with child welfare in Manitoba, including the family courts.
- Ka Ni Kanichihk hosted the project, and she sat on Steering Committee.
- Research methods used: interviews and talking circles with Aboriginal mothers, interviews with community advocates and lawyers in spring 2007. As well, the research included a survey of all participants and a literature review.

- Research questions to be answered were:
 - To describe and analyze the experiences of Metis, First Nations, Inuit and other Aboriginal women who are or have been involved in child welfare/protection cases before the courts in Manitoba
 - To examine the experience and understanding of service providers and other advocates working with Metis, First Nations, Inuit and other Aboriginal women involved in child welfare/protection cases before the courts in Manitoba
 - To examine the experience and understanding of lawyers representing Metis, First Nations, Inuit and other Aboriginal women involved in child welfare/protection cases before the courts in Manitoba
 - To seek ideas and suggested solutions to inform less adversarial and intrusive approaches to deal with child protection matters involving Metis, First Nations, Inuit and other Aboriginal women and children.

- Those involved in the study were Aboriginal mothers, in their middle years. Many were grandmothers as well as mothers. More than ½ were single parents and lived in Winnipeg. The average family size was 2 children. More than half had been involved with child welfare themselves as children and youth. Many were living and raising children on income <\$20,000 per year and had difficulty making ends meet and finding housing.

- Common themes emerged from the research:
 1. Fear of child welfare
 - Mothers were afraid to get help and afraid their children would be apprehended if they asked for help
 - People reach out to the child welfare system but instead of the helping hand and support they are seeking, their children are apprehended. Sometimes a family makes a voluntary placement because there are medical issues with the parents or some other difficulty, and then when the problems are resolved, cannot get the child back
 - People are afraid to use the support services at Snowbird Lodge because then a file will be opened. They are afraid to engage in positive programming for fear of being “in the system.” These services could have been delivered by the community, but are instead being controlled by child welfare.

 2. Fear of being monitored and watched
 - Feeling of invasion of privacy was noted.

 3. Problems with visitation arrangements
 - Visits were reported to be inconsistent, too short and supervision makes it artificial
 - Visits with your children when apprehended are not a right. Social worker determines if it is in the best interests of the child. This is entirely up to the worker. Visits are used as a tool, or a carrot, to manage behavior and get parents to comply.
 - There’s no budget to assist with visits. Mothers may need a bus ticket to get to visitation location, but are told by child welfare that there is no money for that.

4. Fear of harm to children while in care
 - Mothers were afraid their children would be sexually abused, and would lose all relationship with their mother.
 - Parents fear their children are never coming home. But when the children age out of the system, they return.
 - Placing children in homes where they are not in their cultural group and don't know their own identity is an act of violence.
 5. Expectations for programming were unrealistic
 - Women reported attending too many programs and trying to meet requirements that didn't make sense. This was described as jumping through hoops. Women were frustrated with trying to jump through all the hoops required by CFS to follow their plan. For parents with children in the system, there are requirements to do certain things in order to be considered for reuniting the family.
 - The parenting programs, like Triple P do not provide an indigenous model of parenting. The system doesn't offer parenting curriculum that focuses on indigenous parents. Imposing these requirements is like giving Aboriginal parents another dose of "whiteness."
 - When children are removed from a home, sometimes the whole economic basis of a family collapses. If they are in social housing, now they are over-housed and lose their accommodation. If they're on EI, their assistance is reduced. The parents lose their supports as a family unit. Then, child welfare says we can't return your children because you don't have proper housing and don't have sufficient income. And there is a 0% vacancy rate so housing isn't readily available. This causes great stress and anxiety, creating one more reason why they won't get their kids back.
 6. Lack of understanding of legal terms and court processes, and inability to access courtroom supports and advocates
- Recommendations that flowed from the research were to:
 1. Develop an Aboriginal Mothers' Advocates Office
 2. Train Aboriginal women to be advocates
 3. Develop a manual for mothers, explaining child welfare processes and legal system
 4. Develop mothers support groups for those involved with child welfare
 5. Allow advocates to enter courtroom with parents
 6. Develop a website with information for parents
 7. Develop an anthology of the stories and experiences of Aboriginal mothers and grandmothers
 - Recommendations have not been implemented. The report is widely available. There is no appetite among funders for an Aboriginal Mothers' centre.
 - Outcomes of the research:
 - Since the report, she has once been allowed to attend a family court case conference in a child protection matter, as a support to a mother. This is not usual.
 - It empowered the women who were interviewed. Through telling their stories, they received validation.
 - Yellowquill College teaches a course to prepare people to work within child welfare. This report is used as one of their texts.

- The project has been published in a variety of journals and was recently (March 2013) presented at an international conference on child welfare in Australia.

Documents likely to be relied upon:

61. "Jumping Through Hoops:" A Manitoba Study Examining The Experiences and Reflections of Aboriginal Mothers Involved with Child Welfare and Legal Systems Respecting Child Protection Matters , Marlyn Bennett, A project report prepared for Ka Ni Kanichihk Inc. and the Steering Committee of the Family Court Diversion Project, Winnipeg, Manitoba, July, 2008
62. 10th Annual Report, Keeping the Fires Burning, Ka Ni Kanichihk Inc.